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10/536,691	09/28/2005	Mario Villena	HX1.1521	9142
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NATH & ASSOCIATES 112 South West Street Alexandria, VA 22314			EXAMINER RUHL, DENNIS WILLIAM	
			ART UNIT 3629	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,691

Applicant(s)

VILLENNA ET AL.

Examiner

Dennis Ruhl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Applicant's election of 7/27/07 has been received. Upon further review by the instant examiner, it is not believed that the claims indicated as being restricted from each other are in fact patentably distinct from each other. In view of this conclusion by the instant examiner all of the pending claims 1-40 have been examined. The examiner has withdrawn the restriction requirement and all pending claims have been examined on the merits in this first office action.

With respect to the Petition to Make Special and the references mentioned therein, the examiner notes that applicant has never made these references "of record" in this application. Just mentioning them in the Petition to Make special does not result in making them "of record" in this application. An IDS (i.e. form 1449) or a listing of the cited references for the examiner to initial off on, is required if applicant wants them to be considered. To date, these references are not of record. Applicant may want to consider the filing of an IDS statement to make the references of record, unless they are cited back to applicant by the examiner in this office action. With respect to the "Realtor Workstation" NPL reference, the copy submitted with the Petition to Make special is difficult to read for many of the captured screenshots. If an IDS is submitted citing this reference, applicant is requested to provide a better copy so that the examiner can read it and understand the scope of the disclosure related to this document. The copy submitted with the Petition is not readable to a point where the examiner can understand what is fully discloses. Applicant's cooperation in this matter is appreciated.

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1. Claim 22 is objected to under 37 CFR 1.75 as being a verbatim duplicate of claim 21. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). While the instant claims are not being indicated as allowable, applicant should still correct this issue so as to expedite prosecution.

2. The disclosure is objected to because of the following informalities: On page 12, applicant has attempted to incorporate by reference another pending application filed by the co-inventors of the instant application. No filing date was provided to assist in identifying this application and upon a review of the pending cases that the inventors have filed at the USPTO at the present time, none of them match the title given on page 12. There is not another pending case filed by Mario Villena and Jose Villena that has the title of "Computerized systems for formation and update of property databases". Upon a review of internal PTO data relating to currently pending applications, the examiner could not locate another case with this same title. There is another case pending (10/536692) that is entitled "Computerized systems for formation and update of databases", but this title is missing the word "property", so it cannot be assumed that this is the same application that is being referred to on page 12. If applicant intends to amend the specification to refer to 10/536692 the examiner requests an explanation as to why this would not constitute new matter to the specification. The main concern of

the examiner is that there is not another pending application filed by the co-inventors that has the same title as referred to on page 12. The '692 application has a similar title but not the same, so the examiner is inclined to believe that amending the specification to refer to the '692 application would be new matter. The examiner informs applicant of this issue so that it may possibly be pre-empted with persuasive arguments, so as to expedite prosecution.

Appropriate correction is required.

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 9-14,23-25,27,29,34-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 9-14,23-25,29,34-40, are reciting method steps directed to doing manipulative acts. This is not proper because the pending claims are apparatus claims, not method claims. Claims 9-14,23-25, and claims 34-40 recite a method step of how the AVM value is derived. This renders these claims as non-statutory. This is because these claims are mixing both distinct statutory classes of invention of an "apparatus" and a "method". In apparatus claims, any recitations directed to actually doing method steps renders the claims as non-statutory. As these claims are written, they are reciting a method step of deriving the AVM values, which renders the claims as non-statutory.

Ex parte Lyell 17 USPQ2d 1548 (Bd. Pat. App. & Int 1990) ; IPXL Holdings, L.L.C. v Amazon.Com, Inc., 430 F.3d 1377, 1384 (Fed. Cir. 2005).

For claim 27,34, these claims are not considered to be statutory because the recitation of non-functional descriptive material being stored in a storage medium or a database, does not serve to render the database as statutory. The data that is claimed as being stored in the database is all non-functional descriptive material. MPEP 2106.01 specifically mentions the fact that "*When non-functional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory and should be rejected under 35 USC 101.*" The law concerning this issue is 35 USC 101. To the best understanding of the examiner, this view is consistent with current law and interpretations taken by the USPTO with respect to 35 USC 101 and is believed to be proper.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-5,9-14,23-26,29,30,34-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claims 3-5 applicant claims that the query device is configured to perform a differential valuation operation. The examiner believes that "essential" subject matter is missing from the claim scope. It seems to the examiner that the data of "a sale price" would be required to be stored in the database so that this operation is able to be performed. Because the only data recited in the scope of claim 1 is the property identifier and the AVM value, unless the "sale price" data is also claimed, not enough

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data is present in the scope of the claim to allow the differential valuation operation to occur. Claims 3-5 are lacking in essential elements that are required to allow the claimed function to occur. You cannot do a comparison with the sale price if it is not there in the database.

For claims 9-14,23-25,29,34-40, one wishing to avoid infringement would not be reasonably made aware of the scope of the claimed invention. It is not clear if just having the claimed structure of the system would be infringement, or if one would need to have the claimed system and derive the AVM values in the manner that is claimed to be infringing. This renders the claim as indefinite. Ex parte Lyell 17 USPQ2d 1548 (Bd. Pat. App. & Int 1990) ; IPXL Holdings, L.L.C. v Amazon.Com, Inc., 430 F.3d 1377, 1384 (Fed. Cir. 2005).

For claim 26, there is no antecedent basis for "the spatial survey information". Claim 1 does not contain any kind of recitation to any survey information, so what does this refer to? Where has the survey information been previously claimed? It is not clear if this information is actually supposed to be part of claim 1 or just introduced in claim 26. This is not clear.

For claim 30, applicant recites "wherein at least one geographic descriptor includes at least one of". It has not previously been claimed that there is any geographic descriptor so what is this referring to? How does this claim relate to what is claimed in claim 27 or 29? What geographic descriptor? It is not clear what is being claimed because the geographic descriptor is not claimed positively in the sense that it is even stored as part of the data on the storage medium. This claim is indefinite.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1,2,6-15,18-31,34-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Foretich et al. (20030191723).

For claims 1,2,6,15,27,31,34,38, Foretich discloses a system and method for determining *AVM values* for properties, such as residential properties. Foretich determines valuation values by using a computer program contained on a server, see paragraph 26. Foretich discloses that customers use remote terminals 10,20 (or other types of communication devices) to access the property valuation system via the Internet 50. See paragraph 25 where this is disclosed. The remote terminals are *input devices* that allow the input of data to occur. The claimed "*property database*" (cl. 1), "*storage medium*" (cl. 27,31), "*one or more storage media*" (cl. 34) that contain records on a plurality of residential properties are each satisfied by the databases 60 and/or 70. See paragraph 26 where the databases are disclosed. The databases store records relating to residential properties as claimed. As an example, see Table 1 where various types of stored property data are disclosed and in paragraph 44 this is referred to as a property record. This property record data includes *property identifiers*, such as address, listing ID, or even a tax record. Foretich discloses the storing of property identifiers that identify the various properties stored in the databases. With respect to

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the AVM value being stored in the database, applicant is referred to paragraphs 15 and 162 where this is disclosed. Paragraph 15 discloses "*knowledge base databases created and maintained by the system of the present invention may include valuation values and comparable information previously calculated and used by they system of the present invention*". Paragraph 162 discloses "*Another aspect of the present invention which has been referred to herein is the fact that the system of the present invention, using either local or remote databases, can store various classes of information derived during the valuation process for use in later valuations or other processes. For example, as the system generates valuations, it is preferable that these valuations and data used in connection with these valuations be stored for later use if desired. Actual valuation numbers may be stored and may be employed as comparables for later valuations as appropriate as long as property information is either stored directly in the knowledge base database or can later be retrieved from other databases such as MLS and/or public record databases.*". Foretich discloses that the AVM values are stored in the databases, which satisfies what is claimed. The language reciting that the database "contains records on a majority of residential properties offered for sale in a first defined geographic region" is noted, but is not reciting any further structure to the claimed system. This language defines nothing further to the data being stored, or to any structure of the system itself. The end structure of this claim is a system with a database that has property records. The fact that one property might be for sale does not have anything to do with the structure of the apparatus that is being claimed. Because the prior art has property records, the "*query device*" is

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considered to be the server 90, that is coupled to the databases and is responsible for running the software applications that control the operation of the invention of Foretich, such as the software that performs the property valuations. See paragraph 26 where server 90 is disclosed. The "*input device*" can additionally also be considered to be the hardware and software that is necessarily required to allow data communication to occur via the Internet, such as a modem, a databus, and the associated software that allows for the receipt of data to occur. This kind of structure also allows for the receipt of query terms (parameters) from customers as claimed as well as receipt of data from outside sources (MLS, tax database, etc.).

For claims 1,27,34, the examiner notes that the limitations directed to what kind of data is stored in the property database is directed to non-functional descriptive material. The data of a property identifier and an AVM value is data that is just descriptive in nature and is data that is not functionally related to any other structure of the system. The mere ability to search a database of data is not a functional relationship that would result in patentable weight being given to the type of data that is stored in the database. The data must be used in some manipulative manner to be considered functional. The prior art discloses the same data as is claimed, so this issue is somewhat moot; however, these limitations are believed by the examiner to be directed to non-functional descriptive material and does not serve as a limitation. The examiner informs applicant of this fact in an effort to further expedite prosecution and fully develop the issues involved with these claims.

For claim 7, Foretich discloses data for residential properties, such as single-family homes, townhouses, and condominiums. See paragraph 66 where this is disclosed. Foretich discloses the claimed elements. Also, this is another example of non-functional descriptive material. All that is claimed as being stored is the AVM and the identifier. The “type” of home is not even claimed as being stored so this limitation is just directed to non-functional descriptive material that does not serve as a limitation and defines nothing at all to the system that is being claimed.

For claim 8, the query device is configured to perform queries based on structural details of a home as claimed. A person can perform a valuation for a single family home, a condominium, or a townhouse. All of these property types have differing structural details as is well known to those of ordinary skill in the art. This satisfies what is claimed. Additionally, when valuating a property, comparables are used that reflect similar properties. By using comparables on other townhouses, a more accurate AVM can be calculated for a townhouse, you don’t necessarily want to use comparables data for condominiums to value a townhouse. The use of comparables that includes structural details of property, such as type of property, satisfies what is claimed.

For claims 9-14,23-25,29,30, for the last paragraph of claim 34, claims 35-37,39,40, these claims are not defining any further structure to the apparatus as claimed. They are reciting the manner by which the AVM value is derived, or how one of the entries of the property database was derived (cl. 29) or how the spatial database was derived. The pending claims are apparatus type claims where it is claimed that the AVM value is stored in a database as well as other data. The AVM value and other

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data have already been derived, so it does not matter how it was determined, because the instant claims are the apparatus and not a method. The end structure of the apparatus is AVM values and other data stored in a database. Values are values, the fact that one is derived in one manner does not change the fact that it is still just a value or an entry. How that value or entry is derived does not change the end structure even if this were considered to be a product by process limitation. Even then you don't given weight to how the article was made, only to the end structure that is arrived at. The manner by which the AVM value is derived does not change the scope of what has been claimed. The prior art satisfies what is claimed. For claims 39 and 40, the spatial database is not even part of the claim scope so reciting how a non-claimed element was derived lends no further structure to what is claimed.

For claims 26,30, applicant claims that there is a further database that includes properties containing the spatial survey information and a geographic descriptor that can be latitude and/or longitude. In Table 1 on page 5 is disclosed the latitude and longitude entry for the property record. Foretich discloses more than one database and discloses that data such as longitude and latitude are stored. This is information that can reasonably be considered to be "spatial survey information".

Foretich discloses what is claimed. Additionally, and as an alternate interpretation of the claim language, the examiner notes that the property information (spatial survey information) is directed to non-functional descriptive material that is not functionally related to the rest of the claim scope. This data is just descriptive in nature and is not functionally related to any actions that the claimed elements to the system are

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configured to perform. Claim 26 is directed to a further database that contains non-functional descriptive material.

For claims 18-22,38, the language reciting that the geographic region includes at least two adjacent housing developments, includes a city or county or parish, includes at least two adjacent counties or parishes, has two regions with different government bodies" is noted, but is not reciting any further structure to the claimed system. This language defines nothing further to the structure of the system itself. The geographic boundaries set by people and whether or not there is more than one government body lends no structure to the claimed system. Data is data, the mere fact that humans recognize jurisdictions such as counties and states does not change what is claimed, which is property data records stored in the database (single family homes, townhouses, and condominiums). Foretich discloses structure that satisfies what is claimed. This language is directed to non-functional descriptive material that has nothing to do with the system being claimed.

For claim 28, the system of Foretich is configured to provide information to the remote terminals that indicates a measure of confidence. See paragraphs 158 and 161 where it is disclosed that the results that are provided to the customer include the "standard deviation" value for the valuation. Standard deviation is a statistical measure of confidence as to the accuracy of the valuation. This satisfies what is claimed as far as a confidence field. Because the information and data calculated for the AVM, which includes the standard deviation, is disclosed as being stored in the database. This satisfies what is claimed. Also, this is another example of more non-functional

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descriptive material. This is just further descriptive data that is not functionally related to anything else claimed.

9. Claims 3-5,32,33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foretich et al. (20030191723).

For claims 3,32,33, not disclosed is that the query device is configured to perform a "differential value operation" or a query based on both AVM values and sale prices. Applicant has claimed that the differential value operation is based on a difference between a property's AVM (valuation) and a sale price for the property. Conceptually, this is a comparison of the price that one is selling a home for, to the valuation value (AVM) for that home. The examiner notes that paragraph 162 discusses the storing of AVM values in the databases. Disclosed is that the valuations are stored "*for later use*" and "*for use in later valuations or other processes*" and "*may be employed as comparables for later valuations as appropriate*". This paragraph teaches the desirability of storing the AVM value so that that AVM value can be used in later processing. Paragraph 15 also discusses the use of AVM values in further processing. The AVM value is a type of data that a person of ordinary skill in the art is going to be concerned with. Anyone buying a house or giving out a financial loan for a house, is concerned with the value of the house itself (valuation/AVM). That idea is just common sense and is something that anyone who buys products of any kind recognizes. As a purchaser of a given product, you take into consideration the sale price for the product and decide if that price is acceptable for the "value" of the product that you are to

receive. In other words, a purchaser asks the question "is the product worth the price?". The importance of the AVM value is also evidenced by paragraph 6, where it is disclosed that "*Since the loan to value ratio is of great significance to lenders in making loan decisions as well as in determining applicable loan programs and interest rates, it is almost always necessary for a property valuation to be undertaken in connection with the lending process.*" One of ordinary skill in the art, such as a mortgage broker, is interested in the comparison of the sale price for a given property to the value of that property. In this case, the loan value for a mortgage lender is essentially the sale price. The mortgage lender is making a comparison of the sale price (loan value) to the AVM value of the property, which is determined by the valuation process that is performed by server 90. While this comparison is disclosed as being a ratio, it does teach the comparison of the two claimed types of data (sale price and AVM). The prior art and one of ordinary skill in the art already recognize the importance of comparing the sale price to the valuation for real estate property. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Foretich to allow for a search of the database based on a difference between a property's sale price and the AVM value for that property, that is also stored in the database. Both the sale price and AVM value are going to be stored in the database, Foretich discloses this. One of ordinary skill in the art at the time the invention was made, taking into account the disclosure of Foretich, and taking into account the level of knowledge that one of ordinary skill in the art is in possession of, would have found it obvious to allow for searching based on the difference between the sale price and the

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valuation (AVM) that is stored in the database as this is another way that one can compare the offer for sale to the AVM value, the comparison of which is already recognized in the prior art. One of ordinary skill in the art who invests in real estate, such as those that "flip" homes (fix them up and sell them for profit), is clearly going to be interested in properties that are offered for sale at a price that is below their AVM value. That situation may indicate that the given property is a good buy as it is being sold at a lower price than it is valued at. If you can buy a house for \$200,000, that is really valued at \$250,000, you can buy the property for less than it is really worth, which is a good deal. The claimed limitations are considered obvious for these reasons.

For claims 4 and 5, the prior art discloses the comparison of a sale price and the AVM value. Not specifically disclosed is that the comparison is done by an absolute difference or done by a percent difference. Whether the comparison is done by a ratio of the two values, their absolute different, or a percent difference between the two, the result is still the comparison of the two pieces of data. Also, when comparing two values, it is well known that there are only a finite number of ways this can be done. One can use a ratio as is disclosed by Foretich, or one can look at the difference between two numbers to compare the two. Differences can be set forth in absolute terms or in terms of a percentage. This is nothing new and is something that is well known in the art. One of ordinary skill in the art at the time the invention was made would have found it obvious to have the comparison be done by looking at the absolute difference between the sale price and the AVM value or by looking at the percentage difference as claimed. Both of these options would be obvious to one of ordinary skill in the art.

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10. Claims 16,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foretich et al. (20030191723) in view of Walker et al. (6085169).

Not disclosed by Foretich is that the apparatus is accessible by phone and that users can provide voice instructions as claimed. Foretich does not exclude any particular input means from being used, but does mainly discuss the use of computers and other electronic devices that are capable of allowing input of data to occur (para. 25). The examiner notes that it is well known in the prior art that customers can interact with computer servers that contain data by using a phone and voice instructions. What are known as "Interactive Voice Response Units" (IVRU) are well known in the art. These are the kinds of systems that say "press 5 or say 5 for your current account balance", such as when checking a credit card account balance. Walker discloses a system where a user interacts with a computer server to affect the transfer of data concerning business transactions. In paragraph 18 Walker discloses that a customer can interact with the CPO management system (a computer server, etc.) by telephone, fax, online access (Internet just as Foretich discloses), e-mail, or even in person contact. Walker is disclosing that there are numerous ways in which a customer can interact with the provide data to another computer system. Walker specifically discloses the use of an IVRU to accept voice data from customers using a telephone. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Foretich with the ability to take voice instructions and data from customers by using an IVRU as is disclosed by Walker. It is well known in the art to one of ordinary

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skill in the art that data can be received from customers by using a phone and Walker provides evidence of this fact. There are only a finite number of ways in which one can receive data and Walker seems to address most of them. For one of ordinary skill in the art to explore the finite number of possibilities that exist as far as the receipt/input of data goes, this involves just ordinary skill in the art.

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

12. Claims 1,2,6-8,15, are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over at least claim 1 of copending Application No. 11/432,515. Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences between the

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claims are obvious. Both claims recite an input device or a communication device as being configured to receive information. Both claims recite AVM values and are directed to a system that is providing an AVM value to a user. Applicant is claiming the same system in both applications, just with slightly different wording and slightly different scope. The failure in claim 1 to recite the "reporting device" of '515 is considered to be obvious. *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993). Deletion of an element from a claim is considered to be obvious and in this sense claim 1 is broader than claim 1 of '515 due to its failure to recite the reporting device. Currently pending claims are considered to be obvious in view of at least the '515 claim.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

13. Claims 1-8,15, are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over at least claims 32,51 of copending Application No. 10/536,693. Both sets of claims recite a system or apparatus that is for receiving user provided information. The currently pending claims recite that this is for data relating to real property whereas the claims of '693 recite that the data is search parameters. The recitation to data relating to real property includes in its scope the search parameters, so to simply broaden out the claim in this respect is considered to be obvious. *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993). Both claims recite AVM values and are directed to a system that is providing an

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AVM value to a user. Applicant is claiming the same system in both applications, just with slightly different wording and slightly different scope.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

14. Claims 1-8,15, are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over at least claims 75,76 of copending Application No. 10/536,691. Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences between the claims are obvious. Currently claim 1 is just a broader recitation of claim 75, which is considered to be obvious. *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993). Deletion of an element from a claim is considered to be obvious and in this sense claim 1 is broader than claim 75 of '691 due to its failure to recite the display device and the output device. Currently pending claims are considered to be obvious in view of at least the '691 claim.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sklarz et al. (20020087389) discloses an AVM system and also discloses that the results of AVM queries, including the AVM value, are stored in a database. "Appraisers are Learning to Live With Black Box Technology" (Quinn) and

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the NPL document "Information on Fairfax County Property Assessment" (FCPA) are considered relevant to what is claimed.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DENNIS RUHL
PRIMARY EXAMINER